



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

*Promoting the wise use of land
Helping build great communities*

MEETING DATE May 6, 2016	CONTACT/PHONE Jo Manson (805) 781-4660 jmanson@co.slo.ca.us	APPLICANT Judith A. Meglasson	FILE NO. COAL 15-0074 SUB2015-00030
SUBJECT A request by JUDITH A. MEGGLASSON for a Lot Line Adjustment (COAL 15-0074) to adjust the lot lines between two parcels of approximately 160 and 880 acres each. The adjustment will result in two parcels of approximately 638.3 and 401.7 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located on both sides of Tucker Canyon Road, approximately 1.6 miles northeast of the intersection of San Juan Road and Tucker Canyon Road, and southeast of the community of Shandon. The site is in the Shandon-Carrizo Sub-area of the North County Planning Area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 15-0074 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is exempt from and not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption] A General Rule Exemption (ED15-223) was issued on March 22, 2016.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 017-261-015, and 017-261-021	SUPERVISOR DISTRICT(S): 1
PLANNING AREA STANDARDS: None applicable.			
LAND USE ORDINANCE STANDARDS: 22.22.040 – Subdivision design standards for the Agriculture land use category			
EXISTING USES: Cattle grazing, fencing, water troughs, abandoned windmills, abandoned water tanks, abandoned wells, ranch roads, water tank			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / grazing, dry farm South: Agriculture / scattered residences, grazing East: Agricultural / scattered residences, grazing West: Agriculture / grazing			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The adjustment was referred to: Public Works, Agricultural Commissioner and Shandon Advisory Committee			
TOPOGRAPHY: Level to steeply sloping		VEGETATION: Grasses, oak trees	
PROPOSED SERVICES: Water supply: Individual well system Sewage Disposal: Individual septic system Fire Protection: CAL FIRE		ACCEPTANCE DATE: March 8, 2016	

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

DISCUSSION

Government Code Section 66412(d) – Lot Line Adjustments

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels (*Senate Bill 497*). In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan policies and requirements.

Title 21 / Real Property Division Ordinance

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

Proposed Adjustment

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
160 acres	401.7 acres
880 acres	638.3 acres

Existing Parcel 1 (880 acres) is developed with ranch roads, two abandoned windmills, two abandoned wells, an abandoned water tank, fencing, water trough and a water tank. It is used for cattle grazing and is under two (2) Williamson Act Agricultural Preserves and Land Conservation Contracts (Resolution No. 72-84 (Schroeder) and Resolution No. 72-85 (Schroeder)). Existing Parcel 2 (160 acres) is developed with ranch roads, fencing and a water trough. It is used for cattle grazing and is also under a Williamson Act Agricultural Preserve and Land Conservation Contract (Resolution No. 72-93 (Hansen)). The purpose of the adjustment is to adjust the boundary line to create a separate parcel for one of the members (Evelyn Rae Bailey) of the O and D Schroeder Family Residual Trust, Judith A. Meglasson, Trustee, in accordance with a court order – Case No. 15PR-0054 filed July 22, 2015. This lot line adjustment is the result of this court ordered distribution of a family ranch. Since courts cannot adjust boundary lines of property between property owners, it is then up to the property owners to apply to the County for a lot line adjustment to carry out any decision of the Court.

The minimum parcel size as required in Section 22.22.040 of the Land Use Ordinance for the Agriculture land use category is based on Subsections B (Size based upon existing use) and C (Size based upon land capability), unless a larger minimum parcel size is specified in the terms of the existing Williamson Act Agricultural Preserves and Contracts. The required minimum parcel size based on an existing cattle grazing use is 320 acres. The required minimum parcel size for all three (3) of the Land Conservation Contracts is 640 acres based on the existing Contracts (entered into in 1972). Proposed Parcel 1 and proposed Parcel 2 do not meet the minimum parcel size of 640 acres. However, the applicant has applied for amendments to the existing Agricultural Preserves and Contracts to alter the boundaries and decrease the minimum

parcel size for conveyance of parcels from 640 acres to 320 acres to reflect the lot line adjustment. Proposed Parcel 1 and proposed Parcel 2 would meet the revised minimum parcel size of 320 acres.

Williamson Act Consistency

As noted above, existing Parcel 1 (880 acres) is under two (2) Williamson Act Agricultural Preserves and Land Conservation Contracts. 520 of the 880 acres are under Resolution No. 72-84 (Schroeder) and 360 of the 880 acres are under Resolution No. 72-85 (Schroeder)). Existing Parcel 2 (160 acres) is under a Williamson Act Agricultural Preserve and Land Conservation Contract (Resolution No. 72-93 (Hansen)). The existing 160 acre parcel does not appear to be in compliance with the terms of the contract as a stand alone parcel because it is smaller than the required 640 acre minimum parcel size in the land conservation contract. However, in combination with the adjacent parcel it would be considered compliant.

Government Code Section 51257 requires land owners to rescind and simultaneously enter into new land conservation contracts when proposing lot line adjustments of contracted land. The underlying Agricultural Preserves will also need to be amended to bring the Preserve into compliance with current eligibility standards in the Rules of Procedure to Implement the California Land Conservation Act of 1965.

The two applications to amend the existing Agricultural Preserves and Contracts (AGP2015-00006 and AGP2015-00007) would alter the boundaries and decrease the minimum parcel size for conveyance of parcels from 640 acres to 320 acres. The applications would also rescind the existing Land Conservation Contracts and allow the applicant to enter into new Land Conservation Contracts to reflect the revised property boundaries that would result from this lot line adjustment. On March 7, 2016 the Agricultural Preserve Review Committee (Review Committee) reviewed the proposed agricultural preserve boundary revisions. The Review Committee is recommending that the Board of Supervisors approve the amendment to the agricultural preserves and new contracts at a future date yet to be determined.

Ordinance Compliance

Staff has concluded that the proposed adjustment will result in parcel configurations that maintain a position which is "better than or equal to" the existing situation relative to the county's general plan and zoning ordinance, as required by Title 21. The parcel configurations will also be consistent with the amended Agricultural Preserves and new Land Conservation Contracts currently in process and recommended for approval by the Agricultural Preserve Review Committee. It is anticipated that the Board of Supervisors will approve the amended agricultural preserves and new land conservation contracts later in the year. The proposed lot line adjustment does not create more development potential than what exists today.

AGENCY REVIEW

Public Works – Concurs with proposed adjustment. Recommends conditions of approval regarding access to proposed Parcel 1 that have been incorporated.

Agricultural Commissioner – Concurs with proposed adjustment and considers the proposal to be equal to the existing parcel configuration in terms of agricultural resources. Noted that the property is currently under Williamson Act contract and that the proposed parcels will

need to qualify and enter into a new contract. The applicant has applied for two new Land Conservation Contracts.

Shandon Advisory Committee – No comments

LEGAL LOT STATUS

One of the two existing parcels is a portion of Section 35, Township 26 South, Range 15 East and was legally created by deed at a time when that was a legal method of creating parcels. A certificate of compliance (C79-0069, Parcel 4) has been issued and recorded (Volume 2205 of Official Records, Page 690).

The other existing parcel was legally created by the recordation of a certificate of compliance for Lot Line Adjustment AL 81-037, Parcel #3 (Volume 2374 of Official Records, Pages 36-39) at a time when that was a legal method of creating parcels.

ATTACHMENTS

Attachment 1 - Findings
Attachment 2 - Conditions of Approval
Attachment 3 - Project Graphics
Attachment 4 - Project Referral Responses

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner.